

TINA MARIE SHELTON,

Plaintiff,

v.

ASHLEY LOWE, et al.,

Defendants.

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1:17-CV-193

**ORDER OVERRULING OBJECTIONS AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**


The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management. The court has received and considered the report (Doc. No. 39) of the magistrate judge, which recommends that the court grant TDCJ's "Motion to Dismiss" (Doc. No. 29) and dismiss this case with prejudice. The Plaintiff, Tina Shelton, timely filed objections to the Report and Recommendation (Doc. No. 44) and an attachment to that document. Doc. No. 45.

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a de novo determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(c) (Supp. IV 2011); FED. R. CIV. P. 72(b)(2)–(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

After an exhaustive review of Shelton's second amended complaint, along with approximately 150 pages of attachments, Judge Hawthorn found Shelton failed to state a claim under Title VII or the ADEA. In her objections, Shelton argues she "submitted copies of grievances of sex discrimination, retaliation and several forms of harassment and other ongoing violations[.]" Yet, Shelton failed to specifically cite where those claims are found in the second amended complaint and its attachments or include them with her objections. The court's independent review of the record confirms the magistrate judge's analysis is correct.

It is, therefore, **ORDERED** that Shelton's objections (Doc. No. 44) are **OVERRULED**, and the magistrate judge's report and recommendation (Doc. No. 39) is **ADOPTED**. A final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 2nd day of February, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE